

EAST PENNSBORO TOWNSHIP  
BOARD OF COMMISSIONERS  
MAY 17, 2017

Regular Meeting

7:00 p.m.

A Regular Meeting of the East Pennsboro Township Board of Commissioners was held on Wednesday, May 17, 2017, at 7:00 p.m. at the West Fairview Fire Company, West Fairview, Pennsylvania.

Those present were: Commissioners – John Kuntzelman, President; Paul Hartman, Vice President; George Tyson, Kristy Magaro, and Charles Gelb; John Pietropaoli, Township Manager; Lisa M. Coyne, Esquire, Township Solicitor; John B. Owen, Codes Enforcement Officer; Jared Hockenberry, Township Engineer; Dearan Quigley, Housing & Community Development; Chief Todd Bashore, Police Department; and Erik Owen, Fire Marshal.

I. CALL TO ORDER

President Kuntzelman called the meeting to order at 7:00. A Moment of silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

President Kuntzelman thanked West Fairview Fire Company for hosting the meeting tonight.

II. APPROVAL OF REPORTS

MOTION approving the Police Report - April 2017, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

III. BUSINESS FROM THE FLOOR

Mr. Charley Hall, 776 Lancaster Avenue, addressed the board concerning a complaint about high weeds on Lancaster Avenue and Wertzville Road. He noted someone pulling out will get hurt. Mr. Pietropaoli stated they will not wait on PennDOT again this year and the township will just cut it, since it is getting worse. President Kuntzelman noted up and down Wertzville Road the weeds are high and site distance is bad. The Highway Department Director said he would take care of the areas with high weeds causing site distance problems.

Mr. Dale Crossland, 627 Mountain Road, noted it is nice to see someone like the Highway Department Director stepping up for the good of the community.

#### IV. ITEMS FOR DISCUSSION AND APPROVAL

MOTION authorizing payment of invoice and payroll pending review and signatures of Commissioners, was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to approve the request for a bonfire at the River of God Church on June 7, 2017, from 7:00 p.m. until 8:45 p.m., was made by Mr. Gelb, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Richard Ernest, 769 South Humer Street, represented the final minor subdivision plan for Ronald A. and Dorothy E. Magaro and Rona Hawk as the surveyor for Ronald and Dorothy Magaro. The property is located at 600 Magaro Road. There is a portion of the daughter's lot that is involved in the subdivision. In order for Ronald and Dorothy to subdivide the 100 by 120 foot lot from their existing property, it only leaves about 77 foot frontage, so they had to subdivide Lot 2B from their daughter's lot, Rona Hawk, to have their residual track comply with zoning regulations for 100 foot frontage. They intend to build a small house on the lot and sell their residual track to their grandson. They requested two waivers, one for preliminary plan presentation, and one for construction of curb and sidewalk.

Mr. Hartman stated he does not believe there is curbing out there now, which Mr. Ernest confirmed. The proposed lot for the dwelling is served by sewer and water along Magaro Road. Mr. Owen noted the Planning Commission recommended approval of both waivers.

MOTION to approve the final minor subdivision plan for Ronald A. and Dorothy E. Magaro and Rona Hawk, Enola, Pennsylvania, 17025, tax parcels 09-15-1288-041A/213, with the following waiver requests: Section 22.306 Requirement for Submission of Final; 22.506.4.E.5(F).1 Requirement for Installing Curb and 22.507 Requirement to Install Sidewalk, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. John Murphy, from Alpha Engineering, represented the Valley Land Preliminary Subdivision and Land Development Plan for 199 Associates. He they worked with the EAC and had a site meeting today and are working with the Governor's Office to make sure to minimize impact to the arboretum in the process. They are asking for three waivers, the first to cut down trees over 6 inches only in the area of development. Ms. Coyne suggested the board consider each waiver individually.

MOTION to approve the waiver request of 199 Associates for the Valley Land Preliminary Subdivision and Land Development Plan prior to the development approval per Section 22.519 regarding requirement and restricting removal of trees of 6-inch caliper or greater, as depicted on the green graded sheet, sheet 15, dated April 13, 2017, was made by Mr. Hartman, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

Mr. Murphy noted the second waiver request is for certain tracts that they are asking not to delineate wetlands in areas not developed. Lot 3 and Lot 4 of the plan are the lots in question where there is no development, Lot 3 would be for the old Center Street, and Lot 4, which is by the arboretum and is floodplain all along Creekside Drive. Mr. Owen noted the Planning Commission recommended approval of this waiver.

MOTION to approve waiver of 199 Associates for the Valley Land Preliminary Subdivision Land Development Plan prior to development approval per Section 22.307.1.B.3 of the requirement regarding delineation of wetlands as it pertains to Lots 3 and 4 of the proposed plan, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Murphy explained the third waiver request, which is also recommended for approval by the Planning Commission, is pursuant to Section 22.507, Requirement to Construct Sidewalks on both sides of the streets. The plan proposes an internal sidewalk network which effectively directs pedestrians throughout the development and access through Adams-Ricci Park and away from high traffic areas, no sidewalks along the main drag or East Pennsboro Drive.

Mr. Owen noted one comment from staff and Planning Commission, as the plan is represented now regarding internal sidewalk network, staff had a concern that these are depicted as private roads once they come off the three stubs along East Penn Drive. The third access towards Highmark currently does not show any sidewalk connectivity. Staff is concerned about that issue and relayed that to the Planning Commission. Mr. Murphy was advised of the concerns with the layout of the plan as it is now. Staff has some concern that if a waiver is approved, that this would move forward to final plan and until they know final site layouts of the final site, there is some caution. Mr. Murphy suggested in the interest of brevity, he would be happy to withdraw the waiver at this point in time and come back at a later time.

The third waiver request was withdrawn.

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The board reviewed the final land development plan for 167 North Enola Road, which Mr. Owen noted that is the proposed crematorium. The air quality issue has not been resolved from the manufacturer to the township. The township has not received a letter saying they meet those requirements. The second issue is the property is bisected by a sanitary sewer line and also by storm sewer line, and just recently the owner and purchaser got a copy of the sales agreement and gave a copy to the contractor to excavate, and as it turns, it will have to be set back a little further. The pipe is over 100 years old. There were no clear accurate records on file. As they were excavating they found out it was the old dump for years. Mr. Owen suggested a 90 day continuance, noting the 90 days would continue from this day forward.

MOTION to extend the final land development plan for 167 North Enola Road for an additional 90 days from today's date, was made by Mr. Hartman, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve Resolution 2017-04 of the Township of East Pennsboro, Cumberland County, in support of and urging the Cumberland County Board of Commissioners' enactment of a \$15 surcharge on deed transfers within Cumberland County, the funds for which will be used to support programs established to combat blight throughout Cumberland County, was made by Ms. Magaro, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

MOTION to approve the township contribution to the Cumberland Area Economic Development Corporation for the Technical Assistance Panel (TAP) contribution not to exceed \$2,500 to study the Village of West Fairview for revitalization and redevelopment and tourism potential, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve the appointment of John Owens from Director of Housing and Community Development/Zoning Officer to Assistant Township Manager/Assistant Secretary/Chief Planner, was made by Mr. Tyson, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

Mr. Tyson noted Mr. Owens has demonstrated competency for this new role as he has been doing many of the tasks that would be expected going forward and he has exhibited an excellent work ethic.

Mr. Pietropaoli further noted the designation of assistant secretary gives him the authorization to sign financial documents. They will adjust bonding to cover the new title.

MOTION to approve the appointment of Dearan Quigley from Assistant Director of Housing and Community Development/Zoning Administrator to "Acting" Director of Housing and Community Development/Zoning Administrator, Acting until the end of the year, was made by Mr. Hartman, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Mr. Hartman noted while Mr. Quigley is doing a great job, he would like to see acting for at least six months, or until the end of the year.

MOTION to approve the appointment of Bill Baker as Zoning Officer, in addition to his current duties as Building Inspector/Code Enforcement Officer, was made by Mr. Tyson, seconded by Mr. Gelb, and was carried by a unanimous aye vote.

Ms. Coyne noted that Zoning Officer is statutorily one of the positions required under the First Class Township Code and there would not be an "Acting" Zoning Officer.

Mr. Pietropaoli reviewed the agreement to apply for the GTRP grant for Imagination Station to replace the existing structure.

MOTION to approve Resolution No. 2017-05 of the Township of East Pennsboro, Cumberland County, hereby requesting a Greenways, Trails, and Recreation Program (GTRP) grant in an amount not to exceed \$250,000.00 from the Commonwealth Financing Authority to be used for the Rehabilitation of "Imagination Station" at Adams Ricci Community Park, was made by Ms. Magaro, seconded by Mr. Hartman, and was carried by a unanimous aye vote.

MOTION to enter into an agreement with the Cumberland County Board of Commissioners and apply for a 2017 Land Partnership Grant in the amount not to exceed \$22,000.00 for 50 percent of the total project costs, was made by Ms. Magaro, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to approve Resolution no. 2017-06 of the Township of East Pennsboro, Cumberland County, establishing member contribution to the Police Pension Plan to be 1.25 percent for calendar year 2017, was made by Mr. Hartman, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

MOTION to accept the resignation letter from Robert Siodlowski, Chairman of the East Pennsboro Township Planning Commission, effective June 1, 2017, due to relocating out of the township, was made by Mr. Gelb, seconded by Mr. Tyson, and was carried by a unanimous aye vote.

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Mr. Pietropaoli asked for a decision on the East Pennsboro Area School District's building permit request. They have paid their initial \$250 fee for the review to start for the \$220,000 project. The permit fee for that size project would be a total of \$2,864 minus the 250 they have already paid. They are looking for relief of the entire fee.

Mr. Pietropaoli noted if the board relieves the entire fee for a permit, it will open the door to other nonprofits. Mr. John Owen noted staff has spent a lot of time up there, especially on the mold issue, drainage issues, and we are very cooperative and try to build bridges with the school district. He suggested that requests for waiver of fees should be settled by the Intergovernmental Committee. Mr. Quigley noted staff will be spending extensive time on plan review and inspections. It is not feasible to take that time and not receive adjustment fees.

President Kuntzelman noted the school district receives 78 percent of the local taxes collected and the township receives 7 percent.

Mr. Pietropaoli further noted the township has relieved the school district from permits in the past for minor issues, items that did not require inspections and review time. Otherwise, permit fees were charged, which are usually included in the bid process and included in their bid regarding costs involved for the crew to do business. He noted staff has reviewed different policies of neighboring municipalities and it is a common battle with other school districts in the area.

Mr. Tyson noted a concern regarding the number of upcoming school district projects that are pending and he is not interested in having a developer or builder come in, with the amount of staff time it may take to review them, he does not believe it is proper for these requests to come in from the district and should be a topic that is addressed at the Intergovernmental Committee between the district and the township. He asked that the committee make a recommendation that the board can then vote on, after a full, open discussion between the two entities.

Ms. Coyne noted the school district is asking for relief, the board can either take action affirmatively to grant it, or its nonaction communicates not granting the relief. If the board does not act on the waiver, it is the same outcome, it is not granted.

Mr. Hartman questioned when they built the new elementary school, they paid the fees at that time. Ms. Coyne noted even with the addition, the inspections at the school will be daily or multiple times a day. Something like a brand new school will increase a staff member on the township's inspection team.

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It is a large project, and there are liabilities and responsibilities requiring multiple inspections.

Mr. Quigley noted the fee schedule enacted at the beginning of the year provided for what the State calls an annual permit, and he suggested that would be an option. The school district would simply pay a flat agreed-upon amount, and that would cover whatever inspections are needed, whether used in that year or not. There would be years where the school district would benefit, and years they would not. It would eliminate the question of their ability to budget for a project going forward, every year they would add the.

The consensus of the board was not to grant the waiver but to have it discussed at the Intergovernmental Committee meeting.

MOTION to adjourn the meeting at 8:07 p.m., was made by Mr. Hartman, seconded by Ms. Magaro, and was carried by a unanimous aye vote.